

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Criminal No. 24-070 (JWB/TNL)

Plaintiff,

v.

ARRAIGNMENT ORDER

Ashley Anne Dyrdahl,

Defendant.

A hearing was held before United States Magistrate Judge Elizabeth Cowan Wright on March 14, 2024. *See generally* ECF No. 13. Defendant was present in court with her attorney, Robert Meyers, Esq. The government was represented by Kristian Weir, Assistant United States Attorney.

Defendant identified herself by name and birth date; waived the reading of the indictment; and entered a plea of not guilty.

At the hearing, a discussion was had regarding the case schedule. The government requested until March 22, 2024, to make disclosures. Defendant requested until April 19, 2024, to file pretrial motions. The time from the arraignment to the motions-filing date of April 19, 2024, was excluded from the calculation of time required by the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(A) based on a finding that the ends of justice served by such action outweigh the best interest of the public and Defendant in a speedy trial.

Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED

that:

1. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **March 22, 2024**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **March 22, 2024**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

2. Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

3. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **April 12, 2024**. D. Minn. LR 12.1(a)(2).

4. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

5. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **April 19, 2024**.¹ D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.²

6. **Counsel must electronically file a letter on or before April 19, 2024 if no motions will be filed and there is no need for hearing.**

7. All responses to motions must be filed by **May 3, 2024**. D. Minn. LR 12.1(c)(2).

8. Any Notice of Intent to Call Witnesses must be filed by **May 3, 2024**. D. Minn. LR 12.1(c)(3)(A).

9. Any Responsive Notice of Intent to Call Witnesses must be filed by **May 8, 2024**. D. Minn. LR 12.1(c)(3)(B).

10. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

¹ “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

² U.S. Mail or hand-deliver to 300 South Fourth Street, Suite 9W, Minneapolis, MN 55415.

11. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **May 10, 2024**, at **2:00 p.m.**, in **Courtroom 9W**, U.S. Courthouse, 300 South Fourth Street, MINNEAPOLIS, Minnesota. D. Minn. LR 12.1(d).

12. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following trial and trial-related dates are:**

Two paper copies of the voir dire, proposed jury instructions, witness and exhibit lists shall be submitted to District Judge Jerry W. Blackwell's Chambers on or before a date *to be determined by further order*. In addition, counsel shall email, in Word, a copy of the voir dire, proposed jury instructions, witness and exhibit lists to blackwell_chambers@mnd.uscourts.gov.

Trial will commence at 9:30 a.m. on *a date to be determined by further order* before District Judge Jerry W. Blackwell in Courtroom 3B, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota, 55101.

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Blackwell to confirm the new trial date.**

Dated: March 15, 2024

s/Tony N. Leung

TONY N. LEUNG

United States Magistrate Judge